

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

4 **WILBERT ROBERT JONES, M.D.**

5 Holder of License No. 30521  
6 For the Practice of Allopathic Medicine  
7 In the State of Arizona.

Case No. MD-05-0149A

**CONSENT AGREEMENT FOR  
PROBATION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Medical Board  
10 ("Board") and Wilbert Robert Jones, M.D. ("Respondent"), the parties agreed to the  
11 following disposition of this matter.

12 1. Respondent acknowledges that he has read and understands this Consent  
13 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent  
14 Agreement.") Respondent acknowledges that he understands he has the right to consult  
15 with legal counsel regarding this matter and has done so or chooses not to do so.

16 2. Respondent understands that by entering into this Consent Agreement he  
17 voluntarily relinquishes any rights to a hearing or judicial review in State or federal court on  
18 the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
19 Board, and waives any other cause of action related thereto or arising from said Consent  
20 Agreement.

21 3. Respondent acknowledges and understands that this Consent Agreement is  
22 not effective until approved by the Board and signed by its Executive Director.

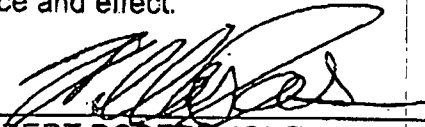
23 4. All admissions made by Respondent are solely for final disposition of this  
24 matter and any subsequent related administrative proceedings or civil litigation involving  
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in this State or any other  
2 state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent  
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
5 Respondent may not revoke his acceptance of the Consent Agreement. Respondent may  
6 not make any modifications to the document. Any modifications to this original document  
7 are ineffective and void unless mutually approved by the parties.

8 6. Respondent further understands that this Consent Agreement and Order,  
9 once approved and signed is a public record that may be publicly disseminated as a  
10 formal action of the Board and will be reported to the National Practitioner's Data Bank  
11 and will be reported to the Arizona Medical Board's website.

12 7. If any part of the Consent Agreement is later declared void or otherwise  
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
14 force and effect.

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16 WILBERT ROBERT JONES, M.D.

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Date June 23, 2005

FINDINGS OF FACT

1  
2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 30521 for the practice of allopathic  
5 medicine in the State of Arizona.

6 3. The Board initiated case number MD-05-0145A after receiving a report from  
7 the Phoenix Police Department that on February 9, 2005 Respondent was arrested and  
8 charged for extreme driving under the influence ("DUI"), displaying suspended license  
9 plates for financial responsibility, speed not reasonable and prudent, and failure to provide  
10 proof of insurance.

11 4. During the course of the Board's investigation, Respondent also admitted to  
12 a previous DUI in 1998 and an arrest for disorderly conduct in 1998 that involved his use  
13 of alcohol.

14 5. On March 4, 2005 Respondent agreed to undergo an evaluation for chemical  
15 dependency.

16 6. On April 1, 2005 Respondent agreed to an Interim Consent Agreement for  
17 practice restriction and inpatient residential evaluation and/or treatment. Respondent  
18 complied with the order and entered a residential treatment center on March 17, 2005.

19 7. The treatment center reported that Respondent was fit to return to the  
20 practice of medicine provided that he participates in the Board's Monitored Aftercare  
21 Program.

22 8. On April 25, 2005 Respondent signed an Interim Consent Agreement to  
23 participate in the Monitored Aftercare Program.

24 9. Respondent has been compliant with the terms of his April 25, 2005 Interim  
25 Consent Agreement.



1 Monitored Aftercare Program ("MAP") for the treatment and rehabilitation of physicians  
2 who are impaired by alcohol or drug abuse. Respondent shall remain in MAP for five  
3 years from the effective date of this Order. Respondent's participation in MAP may be  
4 unilaterally terminated with or without cause at the Board's discretion at any time after the  
5 issuance of this Order.

6 2. Group Therapy. Respondent shall attend MAP's group therapy sessions  
7 one time per week for the duration of this Order, unless excused by the MAP group  
8 therapist for good cause such as illness or vacation. Respondent shall instruct the MAP  
9 group therapist to release to the Board, upon its request, all records relating to  
10 Respondent's treatment, and to submit monthly reports to the Board regarding attendance  
11 and progress. The reports shall be submitted on or before the 10th day of each month.

12 3. 12 Step or Self-Help Group Meetings. Respondent shall attend ninety 12-  
13 step meetings or other self-help group meetings appropriate for substance abuse and  
14 approved by the Board, for a period of ninety days beginning not later than either (a) the  
15 first day following Respondent's discharge from chemical dependency treatment or (b) the  
16 date of this Order.

17 4. Following completion of the ninety meetings in ninety days, Respondent shall  
18 participate in a 12-step recovery program or other self-help program appropriate for  
19 substance abuse as recommended by the MAP group therapist and approved by the  
20 Board. Respondent shall attend a minimum of three 12-step or other self-help program  
21 meetings per week.

22 5. Board-Approved Primary Care Physician. Respondent shall promptly  
23 obtain a primary care physician and shall submit the name of the physician to Board Staff  
24 in writing for approval. The Board-approved primary care physician ("PCP") shall be in  
25 charge of providing and coordinating Respondent's medical care and treatment. Except in

1 an *Emergency*, Respondent shall obtain medical care and treatment only from the PCP  
2 and from health care providers to whom the PCP refers Respondent from time to time.  
3 Respondent shall request that the PCP document all referrals in the medical record.  
4 Respondent shall promptly inform the PCP of Respondent's rehabilitation efforts and  
5 provide a copy of this Order to that physician. Respondent shall also inform all other  
6 health care providers who provide medical care or treatment that Respondent is  
7 participating in the Board's rehabilitation program.

8       6.     **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*  
9 unless the PCP or other health care provider to whom the PCP makes a referral  
10 *prescribes the Medication*. Respondent shall not self-prescribe any *Medication*.

11       7.     If a controlled substance is prescribed, dispensed, or is administered to  
12 Respondent by any person other than PCP, Respondent shall notify the PCP in writing  
13 within 48 hours. The notification shall contain all information required for the medication  
14 log entry specified in paragraph 8. Respondent shall request that the notification be made  
15 a part of the medical record. This paragraph does not authorize Respondent to take any  
16 *Medication* other than in accordance with paragraph 6.

17       8.     **Medication Log.** Respondent shall maintain a current legible log of all  
18 *Medication* taken by or administered to Respondent, and shall make the log available to  
19 the Board and its Staff upon request. For *Medication* (other than controlled substances)  
20 taken on an on-going basis, Respondent may comply with this paragraph by logging the  
21 first and last administration of the *Medication* and all changes in dosage or frequency. The  
22 log, at a minimum, shall include the following:

- 23       a.     Name and dosage of *Medication* taken or administered;
- 24       b.     Date taken or administered;
- 25       c.     Name of prescribing or administering physician;

1       d.     Reason *Medication* was prescribed or administered.

2     This paragraph does not authorize Respondent to take any *Medication* other than in  
3     accordance with paragraph 6.

4       9.     No Alcohol or Poppy Seeds. Respondent shall not consume alcohol or  
5     any food or other substance containing poppy seeds or alcohol.

6       10.    Biological Fluid Collection. During all times that Respondent is physically  
7     present in the State of Arizona and such other times as Board Staff may direct,  
8     Respondent shall promptly comply with requests from Board Staff, the MAP group  
9     therapist, or the MAP Director to submit to witnessed biological fluid collection. If  
10    Respondent is directed to contact an automated telephone message system to determine  
11    when to provide a specimen, Respondent shall do so within the hours specified by Board  
12    Staff. For the purposes of this paragraph, in the case of an in-person request, "promptly  
13    comply" means "immediately". In the case of a telephonic request, "promptly comply"  
14    means that, except for good cause shown, Respondent shall appear and submit to  
15    specimen collection not later than two hours after telephonic notice to appear is given.  
16    The Board in its sole discretion shall determine good cause.

17       11.    Respondent shall provide Board Staff in writing with one telephone number  
18    that shall be used to contact Respondent on a 24 hour per day/seven day per week basis  
19    to submit to biological fluid collection. For the purposes of this section, telephonic notice  
20    shall be deemed given at the time a message to appear is left at the contact telephone  
21    number provided by Respondent. Respondent authorizes any person or organization  
22    conducting tests on the collected samples to provide testing results to the Board and the  
23    MAP director.

24       12.    Respondent shall cooperate with collection site personnel regarding  
25    biological fluid collection. Repeated complaints from collection site personnel regarding

1 Respondent's lack of cooperation regarding collection may be grounds for termination  
2 from the program.

3 13. Payment for Services. Respondent shall pay for all costs, including  
4 personnel and contractor costs, associated with participating in the Monitored Aftercare  
5 Program at time service is rendered, or within 30 days of each invoice sent to Respondent.

6 14. Examination. Respondent shall submit to mental, physical, and medical  
7 competency examinations at such times and under such conditions as directed by the  
8 Board to assist the Board in monitoring Respondent's ability to safely perform as a  
9 physician and Respondent's compliance with the terms of this Order.

10 15. Treatment. Respondent shall submit to all medical, substance abuse, and  
11 mental health care and treatment ordered by the Board, or recommended by the MAP  
12 Director.

13 16. Obey All Laws. Respondent shall obey all federal, state and local laws, and  
14 all rules governing the practice of medicine in the State of Arizona.

15 17. Interviews. Respondent shall appear in person before the Board and its  
16 Staff and committees for interviews upon request, upon reasonable notice.

17 18. Address and Phone Changes, Notice. Respondent shall immediately  
18 notify the Board in writing of any change in office or home addresses and telephone  
19 numbers. Respondent shall provide Board Staff at least three business days advance  
20 written notice of any plans to be away from office or home when such absence would  
21 prohibit Respondent from responding to an order to provide a biological fluid specimen or  
22 to communications from the Board. The notice shall state the reason for the intended  
23 absence from home or office, and shall provide a telephone number that may be used to  
24 contact Respondent.

25 19. Relapse, Violation. In the case of chemical dependency relapse by



Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent shall promptly enter into an Interim Consent Agreement that requires, among other things, that Respondent not practice medicine until such time as Respondent successfully completes an inpatient or residential treatment program for chemical dependency designated by the Board or Staff and obtains affirmative approval to return to the practice of medicine. Prior to approving Respondent's request to return to the practice of medicine, Respondent may be required to submit to witnessed biological fluid collection, undergo any combination of physical examination, psychiatric or psychological evaluation and/or successfully pass the special purpose licensing examination or the Board may conduct interviews for the purpose of assisting it in determining Respondent's ability to safely return to the practice of medicine. **In no respect shall the terms of this paragraph restrict the Board's authority to initiate and take disciplinary action for violation of this Order.**

**20. Notice Requirements.**

(A) Respondent shall immediately provide a copy of this Order to all employers and all hospitals and free standing surgery centers at which Respondent currently has privileges. Within 30 days of the date of this Order, Respondent shall provide the Board with a signed statement of compliance with this notification requirement. Upon any change in employer or upon the granting of privileges at additional hospitals and free standing surgery centers, Respondent shall provide the employer, hospital or free standing surgery center with a copy of this Order. Within 30 days of a change in employer or upon the granting of privileges at additional hospitals and free standing surgery centers, Respondent shall provide the Board with a signed statement of compliance with this notification requirement.

(B) Respondent is further required to notify, in writing, all employers, hospitals and

1 free standing surgery centers at which Respondent currently has or in the future gains  
2 employment or privileges, of a chemical dependency relapse, use of drugs or alcohol in  
3 violation of this Order and/or entry into a treatment program. Within seven days of any of  
4 these events Respondent shall provide the Board written confirmation of compliance with  
5 this notification requirement.

6 (C) Respondent shall immediately submit to the Board under penalty of perjury, on  
7 a form provided by the Board, the name(s) and address(es) of all employers and all  
8 hospitals and free standing surgery centers at which Respondent currently holds privileges  
9 to practice. Respondent is further required to, under penalty of perjury, on a form provided  
10 by the Board, immediately notify the Board of any changes in employment and of any  
11 hospitals and free standing surgery centers at which Respondent gains privileges after the  
12 effective date of this Order.

13 21. Public Record. This Order is a public record.

14 22. Out-of State. In the event Respondent resides or practices as a physician in  
15 a state other than Arizona, Respondent shall participate in the rehabilitation program  
16 sponsored by that state's medical licensing authority or medical society. Respondent shall  
17 cause the other state's program to provide written reports to the Board regarding  
18 Respondent's attendance, participation, and monitoring. The reports shall be due on or  
19 before the 15th day of March and September of each year, until the Board terminates this  
20 requirement in writing.

21 23. This Order supersedes all previous consent agreements and stipulations  
22 between the Board and Respondent.

23 24. The Board retains jurisdiction and may initiate new action based upon any  
24 violation of this Order.  
25

1 DEFINITIONS

2 "Medication" means "prescription-only drug, controlled substance, and over-the  
3 counter preparation, other than plain aspirin and plain acetaminophen."

4 "Emergency" means "a serious accident or sudden illness that, if not treated  
5 immediately, may result in a long-term medical problem or loss of life."

6 This Order is the final disposition of case number MD-05-0149A.

7  
8 DATED this 6 day of July, 2005.



ARIZONA MEDICAL BOARD

15 By Amade Boily  
16 g TIMOTHY C. MILLER, J.D.  
17 Executive Director

18 ORIGINAL of the foregoing filed this  
19 7 day of July, 2005 with:

20 The Arizona Medical Board  
21 9545 East Doubletree Ranch Road  
22 Scottsdale, Arizona 85258

23 Executed copy of the foregoing  
24 mailed this 7 day of July, 2005, to:

25 Wilbert Robert Jones, M.D.  
Address of Record.

Patricia Reynolds  
Quality Assurance